

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 12, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused – Bilbao, Cronin, Higgins, Killen, McGeachin. Total – 5.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Robles, Page.

Approval of Journal

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-first Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Shannon McMillan, State Representative, District 2, House Seat A, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated James McMillan of Wallace, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint James McMillan, Acting State Representative, District 2, House Seat A, Benewah, Bonner, Kootenai, and Shoshone Counties, State of Idaho, for a term commencing on March 12, 2012, and continuing until the incumbent shall resume the performance of the duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 8th day of March, in the year of our Lord two thousand and twelve and of the

Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ C.L. "BUTCH" OTTER
Governor

/s/ BEN T. YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to James McMillan.

OFFICE OF THE GOVERNOR
Boise

March 9, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 417](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 12, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1371](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1371](#) and, when so signed, ordered it returned to the Senate.

March 9, 2012

Mr. Speaker:

I return herewith enrolled [H 465](#), [H 492](#), [H 546](#), [H 499](#), [H 521](#), [H 534](#), [H 441](#), [H 442](#), [H 500](#), [H 501](#), and [H 472](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 465](#), [H 492](#), [H 546](#), [H 499](#), [H 521](#), [H 534](#), [H 441](#), [H 442](#), [H 500](#), [H 501](#), and [H 472](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 9, 2012

Mr. Speaker:

I return herewith enrolled [HCR 34](#) which has been signed by the President.

NOVAK, Secretary

Enrolled [HCR 34](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 9, 2012

Mr. Speaker:

I return herewith [HCR 36](#) and [HJM 8](#) which have passed the Senate.

NOVAK, Secretary

[HCR 36](#) and [HJM 8](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 645](#), [H 646](#), [H 647](#), [H 648](#), [H 649](#), [H 650](#), and [H 651](#).

WILLS, Chairman

[H 645](#) was filed for second reading.

[H 646](#) was referred to the Education Committee.

[H 647](#) was referred to the Local Government Committee.

[H 648](#) and [H 651](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 649](#) was referred to the Business Committee.

[H 650](#) was referred to the Agricultural Affairs Committee.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 37](#), [H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 526](#), [H 600](#), [H 601](#), and [H 602](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [HCR 37](#), [H 379](#), [H 460](#), [H 462](#), [H 463](#), [H 526](#), [H 600](#), [H 601](#), and [H 602](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 12, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 484](#), [H 489](#), and [H 517](#) to the Governor at 11 a.m., as of this date, March 9, 2012.

WILLS, Chairman

March 8, 2012

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 477](#) and report it back with amendments attached to be placed on General Orders for consideration.

BARRETT, Chairman

[H 477](#) was placed on General Orders for consideration.

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 634](#) and recommend that it do pass.

LAKE, Chairman

[H 634](#) was filed for second reading.

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 606](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 606](#) was placed on General Orders for consideration.

March 9, 2012

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 578](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 578](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

At this time, the Speaker introduced The Honorable James E. Risch, United States Senator, who spoke briefly to the members of the House.

HOUSE JOINT MEMORIAL NO. 13 BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES ATTORNEY GENERAL, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF COMMERCE, THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States and Canada enjoy a partnership long rooted in a history of peaceful coexistence and one of the largest and most successful economic relationships in the world; and

WHEREAS, the United States and Canada are each other's largest single export market; and

WHEREAS, millions of jobs in both the United States and Canada depend on the trade and investment flowing across the border between the two countries; and

WHEREAS, Canada is one of Idaho's top trading partners, based on 2010 data, and our companies and industries depend on integrated cross-border supply chains and production processes; and

WHEREAS, on February 4, 2011, the Prime Minister of Canada and the President of the United States issued a declaration on a Shared Vision for Perimeter Security and Economic Competitiveness, which called for a joint action plan; and

WHEREAS, the United States and Canada established a Beyond the Border Working Group composed of representatives from the relevant departments and offices of their federal governments to develop the action plan and be responsible for its implementation; and

WHEREAS, the Beyond the Border Action Plan was released in December of 2011; and

WHEREAS, the Beyond the Border Action Plan details methods for the United States and Canada to work together to enhance joint security and accelerate the legitimate flow of people, goods and services through four areas of cooperation: (1) addressing threats early; (2) trade facilitation, economic growth and jobs; (3) cross-border law enforcement; and (4) critical infrastructure and cybersecurity; and

WHEREAS, on February 4, 2011, the Prime Minister of Canada and the President of the United States announced the creation of the United States-Canada Regulatory Cooperation Council to increase regulatory transparency and coordination between the two countries; and

WHEREAS, the initial Joint Action Plan of the Regulatory Cooperation Council was released in December of 2011; and

WHEREAS, the Action Plan on Regulatory Cooperation will help reduce barriers to trade, lower costs for consumers and business and create economic opportunities on both sides of the border through the alignment of regulatory approaches in the areas of agriculture and food, transportation, health and personal care products, chemical management, the environment and other cross-sectoral areas, while not compromising our health, safety or environmental protection standards; and

WHEREAS, Idaho has much to gain from the development of joint strategies and integrated approaches to enhance security and efficient trade between Canada and the United States.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the President, Executive Branch Agencies and Congress work together to see that the Beyond the Border Action Plan on Perimeter Security and Economic Competitiveness and the Action Plan on Regulatory Cooperation are carried out and that the United States' appointees to the Beyond the Border Working Group, the Regulatory Cooperation Council, and the United States' agencies responsible for implementing the action plans have the resources necessary to assist in realizing the goals of the action plans.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the United States Department of State, the United States Attorney General, the Secretary of the United States Department of Homeland Security, the Secretary of the United States Department of Commerce, the Secretary of the United States Department of Transportation, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 13 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 652 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO SMALL EMPLOYER AND INDIVIDUAL HEALTH INSURANCE RATES; AMENDING SECTION 41-4706, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO PROVIDE THAT CERTAIN INFORMATION SHALL BE PUBLIC IF REQUIRED BY OTHER APPLICABLE LAW; AND AMENDING SECTION

41-5206, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION SHALL BE PUBLIC IF REQUIRED BY OTHER APPLICABLE LAW.

HOUSE BILL NO. 653 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO THE STATE TAX COMMISSION; AMENDING SECTION 63-217, IDAHO CODE, TO PROVIDE THAT IF THE DATE FOR FILING ANY REPORT, CLAIM, TAX RETURN, STATEMENT OR OTHER DOCUMENT OR MAKING ANY SUCH PAYMENT FALLS UPON A SATURDAY, A SUNDAY, A LEGAL HOLIDAY OR, IN MATTERS ARISING UNDER THE STATE INCOME TAX LAW, A HOLIDAY RECOGNIZED BY THE INTERNAL REVENUE SERVICE, SUCH ACTS SHALL BE CONSIDERED TIMELY IF PERFORMED ON THE NEXT BUSINESS DAY; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 654 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 655 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND EXEMPTING CERTAIN APPROPRIATION OBJECT TRANSFER LIMITATIONS.

H 652, **H 653**, **H 654**, and **H 655** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 603, **H 626**, and **H 633**, by Education Committee, were read the second time by title and filed for third reading.

SJM 105 and **S 1231**, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

S 1260, **S 1261**, **S 1262**, **S 1273**, and **SCR 112**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 611 and **H 628**, by Ways and Means Committee, were read the second time by title and filed for third reading.

S 1313, by Transportation Committee, was read the second time by title and filed for third reading.

[S 1319](#), by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[H 551](#) and [HCR 47](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1327](#) and [S 1328](#), by Education Committee, were read the second time by title and filed for third reading.

[S 1375](#), by Finance Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 561](#) be placed at the bottom of the Third Reading Calendar. There being no objection, it was so ordered.

[H 632](#) - YOUTH ATHLETES

[H 632](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle and Mr. Anderson to open debate.

Pursuant to Rule 38(3), Mr. Moyle disclosed a conflict of interest regarding [H 632](#).

The question being, "Shall [H 632](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Barbieri, Batt, Crane, Harwood, McMillan(McMillan), Shepherd, Sims. Total – 7.

Absent and excused – Bilbao, Cronin, Hart, Killen. Total – 4.

Paired Votes:

AYE -- McGeachin NAY -- Sims

AYE -- Higgins NAY -- Shepherd

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 632](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 45](#) - PRIVATE INSURANCE EXCHANGE

[HCR 45](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

Pursuant to Rule 38(3), Mr. Nessel disclosed a conflict of interest regarding [HCR 45](#).

The question being, "Shall [HCR 45](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Black, Block(Block), Bolz, Boyle, Chadderdon,

Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Trail, Wills, Wood(35), Mr. Speaker. Total – 49.

NAYS – Bell, Buckner-Webb, Burgoyne, Chew, Gibbs, Jaquet, King, Lacey, Ringo, Rusche, Smith(30), Smith(24), Wood(27). Total – 13.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Roberts, Vander Woude. Total – 8.

Total – 70.

Whereupon the Speaker declared [HCR 45](#) adopted and ordered the resolution transmitted to the Senate.

[S 1232](#) - UNIFORM PRUDENT INVESTOR ACT

[S 1232](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Sims to open debate.

The question being, "Shall [S 1232](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Roberts, Simpson, Vander Woude. Total – 9.

Total – 70.

Whereupon the Speaker declared that [S 1232](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1253](#) - SERVICE BY PUBLICATION - AFFIDAVIT

[S 1253](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall [S 1253](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Simpson. Total – 7.
Total – 70.

Whereupon the Speaker declared that [S 1253](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1265](#) - EXECUTION

[S 1265](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [S 1265](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Simpson. Total – 7.
Total – 70.

Whereupon the Speaker declared that [S 1265](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1266](#) - EXECUTION

[S 1266](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [S 1266](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Ringo. Total – 1.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Schaefer, Simpson. Total – 8.
Total – 70.

Whereupon the Speaker declared that [S 1266](#) passed the House. Title was approved and the bill ordered returned to the Senate.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 603](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 603](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Schaefer, Simpson. Total – 8.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 603](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 603](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Moyle. Total – 1.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Simpson. Total – 7.
Total – 70.

Whereupon the Speaker declared that [H 603](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 626](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 626](#) be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Schaefer, Simpson. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 626](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [H 626](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Shepherd. Total – 7.

Total – 70.

Whereupon the Speaker declared that [H 626](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 633](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 633](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle,

Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, McGeachin, Schaefer, Simpson. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 633](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 633](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Black, Block(Block), Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, King, Lacey, Loertscher, Luker, Marriott, McMillan(McMillan), Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Bilbao, Cronin, Hart, Higgins, Killen, Lake, McGeachin, Shepherd. Total – 8.

Total – 70.

Whereupon the Speaker declared that [H 633](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the House recess until 1:15 p.m.

Without objection, the Speaker declared the House at recess until 1:15 p.m.

RECESS

Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Seventh Order of Business.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 12, 2012

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [S 1269](#), [H 515](#), [H 584](#), [H 542](#), [H 585](#), [H 631](#), [H 619](#), and [H 594](#), as amended, and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO S.B. NO. 1269

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 6 through 41; and delete page 2, and insert:

"SECTION 1. That Section 33-5202A, Idaho Code, be, and the same is hereby amended to read as follows:

33-5202A. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Authorized chartering entity" means either the local board of trustees of a school district in this state, or the public charter school commission pursuant to the provisions of this chapter.

(2) "Charter" means the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school.

(3) "Founder" means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. Provided however, that such designation shall be made only within one hundred eighty (180) calendar days of the initial day of educational instruction offered by such public charter school. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

(4) "Builder" means a person, including employees or staff of a public charter school, who contributes substantial time and effort on behalf of the public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution, which shall not be construed to include direct monetary contribution. The criteria for determining when a person is a builder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a builder and the admission preferences available to the children of a builder shall not constitute pecuniary benefits.

(5) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.

(56) "Professional-technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in professional-technical education which meet the standards and qualifications established by the division of professional-technical education. A professional-technical regional public charter school may be approved by an authorized chartering entity and, by the terms

of its charter, shall operate in association with at least two (2) school districts. Notwithstanding the provisions of section 33-5206(1), Idaho Code, participating school districts need not be contiguous.

(67) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho.

(78) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.

(89) "Virtual school" means a school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management.

SECTION 2. That Section 33-5205, Idaho Code, be, and the same is hereby amended to read as follows:

33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of persons may petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school.

(a) A petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in the petition. Proof of elector qualifications shall be provided with the petition.

(b) A petition to establish a new public virtual school must be submitted directly to the public charter school commission. A petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. A petition shall be considered to be received by an authorized chartering entity as of the next scheduled meeting of the authorized chartering entity after submission of the petition.

(c) The board of trustees may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter; or (iii) refer the petition to the public charter school commission, but such referral shall not be made until the local board has documented its due diligence in considering the petition. Such documentation shall be submitted with the petition to the public charter school commission. If the petitioners and the local board of trustees have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort, within sixty (60) days from the date the charter petition is received, the petitioners may withdraw their petition from the local board of trustees and may submit their charter petition to the public charter school commission, provided it is signed by thirty (30) qualified electors as required by subsection (1)(a) of this section. Documentation of the reasonable and good faith effort between the petitioners and the local board of trustees must be submitted with the petition to the public charter school commission.

(d) The public charter school commission may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter.

(e) A petition to convert an existing traditional public school shall be submitted to the board of trustees of the district in which the school is located for review and approval. The petition shall be signed by not fewer than sixty percent (60%) of the teachers currently employed by the school district at the school to be converted, and by one (1)

or more parents or guardians of not fewer than sixty percent (60%) of the students currently attending the school to be converted. Each petition submitted to convert an existing school or to establish a new charter school shall contain a copy of the articles of incorporation and the bylaws of the nonprofit corporation, which shall be deemed incorporated into the petition.

(2) Not later than sixty (60) days after receiving a petition signed by thirty (30) qualified electors as required by subsection (1)(a) of this section, the authorized chartering entity shall hold a public hearing for the purpose of discussing the provisions of the charter, at which time the authorized chartering entity shall consider the merits of the petition and the level of employee and parental support for the petition. In the case of a petition submitted to the public charter school commission, such public hearing must be not later than sixty (60) days after receipt of the petition, which may be extended to ninety (90) days if both parties agree to an extension.

In the case of a petition for a public virtual charter school, if the primary attendance area described in the petition of a proposed public virtual charter school extends within the boundaries of five (5) or fewer local school districts, the public charter school commission shall provide notice in writing of the public hearing no less than thirty (30) days prior to such public hearing to those local school districts. Such public hearing shall include any oral or written comments that an authorized representative of the local school districts may provide regarding the merits of the petition and any potential impacts on the school districts.

In the case of a petition for a non-virtual public charter school submitted to the public charter school commission, the board of the district in which the proposed public charter school will be physically located, shall be notified of the hearing in writing, by the public charter school commission, no less than thirty (30) days prior to the public hearing. Such public hearing shall include any oral or written comments that an authorized representative of the school district in which the proposed public charter school would be physically located may provide regarding the merits of the petition and any potential impacts on the school district. The hearing shall include any oral or written comments that petitioners may provide regarding any potential impacts on such school district. If the school district chooses not to provide any oral or written comments as provided for in this subsection (2), such school district shall notify the public charter school commission of such decision. Following review of any petition and any public hearing provided for in this section, the authorized chartering entity shall either approve or deny the charter within sixty (60) days after the date of the public hearing, provided however, that the date may be extended by an additional sixty (60) days if the petition fails to contain all of the information required in this section, or if both parties agree to the extension. This public hearing shall be an opportunity for public participation and oral presentation by the public. This hearing is not a contested case hearing as described in chapter 52, title 67, Idaho Code.

(3) An authorized chartering entity may approve a charter under the provisions of this chapter only if it determines that the petition contains the requisite signatures, the information required by subsections (4) and (5) of this section, and additional statements describing all of the following:

(a) The proposed educational program of the public charter school, designed among other things, to identify what it means to be an "educated person" in the twenty-first century, and how learning best occurs. The goals identified in the program shall include how all educational thoroughness

standards as defined in section 33-1612, Idaho Code, shall be fulfilled.

(b) The measurable student educational standards identified for use by the public charter school. "Student educational standards" for the purpose of this chapter means the extent to which all students of the public charter school demonstrate they have attained the skills and knowledge specified as goals in the school's educational program.

(c) The method by which student progress in meeting those student educational standards is to be measured.

(d) A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students.

(e) A provision which ensures that the public charter school shall be state accredited as provided by rule of the state board of education.

(f) The governance structure of the public charter school including, but not limited to, the person or entity who shall be legally accountable for the operation of the public charter school, and the process to be followed by the public charter school to ensure parental involvement.

(g) The qualifications to be met by individuals employed by the public charter school. Instructional staff shall be certified teachers as provided by rule of the state board of education.

(h) The procedures that the public charter school will follow to ensure the health and safety of students and staff.

(i) A plan for the requirements of section 33-205, Idaho Code, for the denial of school attendance to any student who is an habitual truant, as defined in section 33-206, Idaho Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors of the public charter school, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public charter school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.

(j) Admission procedures, including provision for overenrollment. Such admission procedures shall provide that the initial admission procedures for a new public charter school, including provision for overenrollment, will be determined by lottery or other random method, except as otherwise provided herein. If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; and third, an equitable selection process such as by lottery or other random method. If so stated in its petition, a new public charter school may include the children of full-time employees or builders of the public charter school within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the third priority group. If capacity is insufficient to enroll all pupils for subsequent school terms, who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; and

fourth, an equitable selection process such as by lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies which become available. If so stated in its petition, a public charter school may include the following children within the second priority group subject to the limitations therein:

- (i) The children of full-time employees of the public charter school;
- (ii) The children of builders;
- (iii) Children who previously attended the public charter school within the previous three (3) school years, but who withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment.

Otherwise, such children shall be included in the fourth priority group.

(k) The manner in which an annual audit of the financial and programmatic operations of the public charter school is to be conducted.

(l) The disciplinary procedures that the public charter school will utilize, including the procedure by which students may be suspended, expelled and reenrolled, and the procedures required by section 33-210, Idaho Code.

(m) A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.

(n) The public school attendance alternative for students residing within the school district who choose not to attend the public charter school.

(o) A description of the transfer rights of any employee choosing to work in a public charter school that is approved by the board of trustees of a school district, and the rights of such employees to return to any noncharter school in the same school district after employment at such charter school.

(p) A provision which ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining.

(q) The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal individuals with disabilities education act, including disciplinary procedures for these students.

(r) A plan for working with parents who have students who are dually enrolled pursuant to section 33-203, Idaho Code.

(s) The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school.

(t) A proposal for transportation services as required by section 33-5208(4), Idaho Code.

(u) A plan for termination of the charter by the board of directors, to include:

- (i) Identification of who is responsible for dissolution of the charter school;
- (ii) A description of how payment to creditors will be handled;
- (iii) A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school; and
- (iv) A plan for the disposal of the public charter school's assets.

(4) The petitioner shall provide information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative

services of the public charter school are to be provided and the potential civil liability effects upon the public charter school and upon the authorized chartering entity.

(5) At least one (1) person among a group of petitioners of a prospective public charter school shall attend a public charter school workshop offered by the state department of education. The state department of education shall provide notice of dates and locations when workshops will be held, and shall provide proof of attendance to workshop attendees. Such proof shall be submitted by the petitioners to an authorized chartering entity along with the charter petition.

(6) The public charter school commission may approve a charter for a public virtual school under the provisions of this chapter only if it determines that the petition contains the requirements of subsections (3) and (4) of this section and the additional statements describing the following:

- (a) The learning management system by which courses will be delivered;
- (b) The role of the online teacher, including the consistent availability of the teacher to provide guidance around course material, methods of individualized learning in the online course and the means by which student work will be assessed;
- (c) A plan for the provision of professional development specific to the public virtual school environment;
- (d) The means by which public virtual school students will receive appropriate teacher-to-student interaction, including timely, frequent feedback about student progress;
- (e) The means by which the public virtual school will verify student attendance and award course credit. Attendance at public virtual schools shall focus primarily on coursework and activities that are correlated to the Idaho state thoroughness standards;
- (f) A plan for the provision of technical support relevant to the delivery of online courses;
- (g) The means by which the public virtual school will provide opportunity for student-to-student interaction; and
- (h) A plan for ensuring equal access to all students, including the provision of necessary hardware, software and internet connectivity required for participation in online coursework."

CORRECTION TO TITLE

On page 1, delete lines 3 and 4, and insert: "TO REVISE THE DEFINITION OF "FOUNDER," TO PROVIDE A DEFINITION OF "BUILDER" AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE APPLICATION TO CHILDREN OF BUILDERS."

HOUSE AMENDMENT TO H.B. NO. 515

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 1 through 3, and insert:

"(6) Each agency, department and commission shall seek to minimize the number of printed copies of strategic plans and annual reports by using electronic versions whenever possible, and by printing only a limited number sufficient for internal needs or anticipated requests for copies for which electronic versions are otherwise inadequate."

AMENDMENT TO SECTION 2

On page 3, in line 35, delete "Not more"; and delete lines 36 through 38, and insert: "Each agency, department and commission shall seek to minimize the number of printed copies of strategic plans and annual reports by using electronic versions

whenever possible, and by printing only a limited number sufficient for internal needs or anticipated requests for copies for which electronic versions are otherwise inadequate."

CORRECTION TO TITLE

On page 1, delete lines 3 through 7, and insert: "TO PROVIDE THAT EACH AGENCY, DEPARTMENT AND COMMISSION SHALL SEEK TO MINIMIZE THE NUMBER OF CERTAIN PRINTED COPIES; AMENDING SECTION 67-1904, IDAHO CODE, TO PROVIDE FOR PERFORMANCE REPORTS AND OTHER DOCUMENTS AND TO PROVIDE THAT EACH AGENCY, DEPARTMENT AND COMMISSION SHALL SEEK TO MINIMIZE THE NUMBER OF CERTAIN PRINTED COPIES."

HOUSE AMENDMENT TO H.B. NO. 584

AMENDMENT TO SECTION 1

On page 4 of the printed bill, in line 40, following "such death" insert: "provided that the homestead continues to be a part of the owner's, beneficiary's, partner's, member's or shareholder's estate".

CORRECTION TO TITLE

On page 1, in line 5, following "DEATH" insert: "IF CERTAIN CIRCUMSTANCES OCCUR".

HOUSE AMENDMENT TO H.B. NO. 542

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 21, following "use" insert: "on federally managed lands".

HOUSE AMENDMENT TO H.B. NO. 585

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete line 39, and insert: "rate of one-tenth of one percent (0.1%)".

AMENDMENT TO THE BILL

On page 3, following line 30, insert:

"SECTION 3. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS – LIMITATION ON TAX CHARGES – EXCEPTIONS. (1) Except as provided in subsections (3) and (4) of this section, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of paragraphs (a) through (i) of this subsection inclusive:

- (a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue calculated as described in this subsection. Multiply the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(11), Idaho Code, by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor;
- (b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made;

(c) The dollar amount of the actual budget request, if the taxing district is newly created except as may be provided in subsection (1)(h) of this section;

(d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code;

(e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the foregone increase by certifying, in addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally foregone. Said additional amount shall be included in future calculations for increases as allowed;

(f) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section, is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or November provided by law, and may be included in the annual budget of the city for purposes of this section;

(g) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section;

(h) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district;

(i) In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes which exceeds the limitation imposed in subsection (1) of this section, unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that

such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies to satisfy judgments pursuant to section 63-1305A, Idaho Code, and revenue from levies that are voter approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year."; and renumber sections accordingly.

On page 5, following line 31, insert:

"SECTION 6. That Section 31-1901, Idaho Code, be, and the same is hereby amended to read as follows:

31-1901. COMMISSIONERS MAY ISSUE FUNDING AND REFUNDING BONDS. The board of county commissioners of any county in this state may issue negotiable coupon bonds of their county for the purpose of paying, redeeming, funding or refunding the outstanding indebtedness of the county, whether the indebtedness exists as a warrant indebtedness or bonded indebtedness. The county may also issue bonds for the purpose of paying a judgment meeting the criteria of section 63-1305A, Idaho Code. All such bonds shall be in the form and shall be issued, sold or exchanged and redeemed in accordance with the provisions of chapter 2 of title 57, known as the "Municipal Bond Law" of the state of Idaho, except where different provision is made herein. Provided, that the authority to fund warrant indebtedness shall extend only to the funding of warrant indebtedness existing as of the second Monday in January, 1933, and providing further that all taxes and other revenues which but for the funding of warrants would have been lawfully applicable to the redemption of the warrants so funded shall, as and when collected, be apportioned to and placed in the sinking fund for the payment of the interest and retirement of the principal of such bonds. Bonds issued for the purpose of funding warrants shall bear interest payable semiannually as the board of county commissioners may determine.

SECTION 7. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act."; and renumber sections accordingly.

CORRECTION TO TITLE

On page 1, in line 2, following "RELATING TO" delete "REVENUE AND TAXATION" and insert: "COUNTIES AND PROPERTY TAX LEVIES"; in line 11, following "CORRECTION;" insert: "AMENDING SECTION 63-802, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO PROVIDE THAT THE AMOUNT OF PROPERTY TAX REVENUES TO FINANCE AN ANNUAL BUDGET DOES NOT INCLUDE REVENUE FROM LEVIES TO SATISFY CERTAIN JUDGMENTS AND REVENUE FROM CERTAIN OTHER LEVIES;"; and in line 13, following "REFERENCE;" insert: "AMENDING SECTION 31-1901, IDAHO CODE, TO PROVIDE THAT THE COUNTY MAY ALSO ISSUE BONDS FOR THE PURPOSE OF PAYING A CERTAIN JUDGMENT; PROVIDING SEVERABILITY;".

HOUSE AMENDMENT TO H.B. NO. 631

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 1 through 4, and insert:

"(e) ~~To, at a minimum, make ICF adjustment payments that restore any rate reductions, in the aggregate, for the state fiscal years 2011 and 2012, within medicare upper payment limits;~~";

in line 5, delete "(f)" and insert: "(f)"; and in line 10, delete "(g)" and insert: "(g)".

CORRECTION TO TITLE

On page 1, in line 3, following "IDAHO CODE," insert: "TO REMOVE A PROVISION RELATING TO ICF ADJUSTMENT PAYMENTS AND".

HOUSE AMENDMENT TO H.B. NO. 619

AMENDMENT TO SECTION 4

On page 12 of the printed bill, in line 2, following "department." insert: "Provided however, that any alteration of speed limits must be based upon a traffic engineering study approved by the department and completed according to department standards. The alteration of speed limits by local authorities shall be done in consultation with the department. In the event of disagreement between the department and local authorities, the department traffic study shall be adopted, unless the local government traffic study is submitted to the Idaho transportation department board and the board adopts the local study in whole or in part."

HOUSE AMENDMENT TO H.B. NO. 594, As Amended

AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, in line 41, following "general fund" insert: "up to the expenditure limitation in section 67-6803, Idaho Code,".

HOUSE AMENDMENT TO H.B. NO. 594, As Amended

AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 38 and 39, and insert:

"(b) (i) Beginning at the end of June 30, 2013, and at the end of every June 30 thereafter, the following shall apply: notwithstanding the provisions of subsection (2)(a) of this section, the state controller";

and following line 41, insert:

"(ii) At the end of June 30, 2012, notwithstanding the provisions of subsection (2)(a) of this section, the state controller shall transfer to the budget stabilization fund all unexpended and unencumbered moneys in excess of the beginning general fund balance used to meet the level of general fund appropriations authorized by the legislature for the fiscal year just beginning."

We have also had under consideration [H 486](#), as amended, and report it back without recommendations and without amendments.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 515](#), as amended, [H 584](#), as amended, [H 542](#), as amended, [H 585](#), as amended, [H 631](#), as amended, [H 619](#), as amended, and [H 594](#), as amended, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1269](#), as amended in the House, was filed for first reading.

[H 486](#), as amended, was filed for third reading.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, March 13, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:29 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk